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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,083	01/08/2004	Karl Schaefer	03100195AA	5414

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EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/753,083	SCHAEFER, KARL	
	Examiner	Art Unit	
	Bena Miller	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/08/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Bena Miller

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with indefiniteness that is too numerous to point out in every instance. The following examples are provided for the applicant use in making corrections wherever appropriate but not specifically pointed to.

Regarding claim 1, it is not clear what is encompassed by the phrase "the like". It is not clear what is meant by the individual pieces of wood being joined to from a group and then a multiplicity of such groups. In other words, it is not clear if a multiplicity of groups are formed the group recited in line 2. Further, there is lack of proper antecedent basis for "the leading group" and "the following group".

In several instances, the claims recited the phrase "the abovementioned". The phrase is vague and indefinite because the phrase fails to further limit the claimed element.

Regarding claim 3, the phrase "preferably immediately before the groups are formed" is vague and indefinite because it is not clear if the phrase requires the mutually facing longitudinal edges of the latter are moistened immediately before the groups are formed.

Regarding claim 6, it is not clear if the phrase “a plurality of line-forming groups” is the same as “the group” recited in line 2 of claim 1.

Regarding claim 9, it is not clear what is encompassed by line 4 of the claim.

Regarding claim 10, there is lack of proper antecedent basis for the limitation “each group”

Regarding 11, it is not clear what is encompassed by the phrase “for carrying out the process as claimed in one of the preceding claims”. Further, it is not clear how the functional limitations recited in subpart c of the claim further structurally limit the claim. For example only, it is not clear how “the conveying elements which subject the line to advancement.....is subjected by the chipping tool” further structurally limit the claimed apparatus. Also, there is lack of antecedent basis for the limitation “the conveying element”.

Regarding claim 13, the claim recites an improper Markush grouping.

Regarding claim 14, line 2 is confusing.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim Rejections - 35 USC § 102

Art Unit: 3725

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sentagnes et al (US Patent 5,299,610), Pallmann (US Patent 5,070,918) or Krefeld (DE-AS 1104676).

The device of Sentagnes, Pallmann or Krefeld reads on the structural elements of the claims including a chipping tool (5, 5 or fig.1, respectively), a feed means (1, 14 or fig. 3), a conveying arrangement (3, 20 or fig. 3), conveying chains (39 of Pallmann or fig. 3 of Krefeld), vertically drivable pressure exerting bar (14/15, 17 or fig. 1), contact-pressure bars (14/15, 17 or fig. 1), feed means forms angle (fig. 1 of each of the prior art noted above; It should be noted that Examiner takes the position that the angle encompassed 0° degrees), a feed conveyor (14, 20 or fig.1/fig.3) a subdivided feed means (2 of Sentagnes et al), disk-type chipper chipping tool (5 of Pallmann or fig. 1/fig.3 of Krefeld, a stationary bridging bar (22) and a knife-ring flaker (col. 5, lines 19-35). It should be noted that the Examiner considers the functional limitations of claims to be inherent in the device of Sentagnes, Pallmann or Krefeld [Note: Claims 12-14 appears to recited functional limitations].

Allowable Subject Matter

Claims having all the elements of claims 1-10 and which is definite per the conditions set forth in 35 USC 112, 2nd paragraph would consider to avoid the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the Notice of Cited References.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bena Miller
Primary Examiner
Art Unit 3725

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February 04, 2006